

Sec. 22-350. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business license means the license required of all persons engaged in business in the city as set forth in chapter 22, concerning licenses, permits and businesses, as amended.

Chauffeur means, for purposes of this article, any person with a Georgia state driver's license who meets the qualifications as prescribed in O.C.G.A. § 46-7-85.10 and who is authorized by the public service commission to drive a sedan, limousine, extended limousine, van or minibus.

Chief means the chief of police.

Dispatcher means a person assigned to a base of operations, in contact with taxicabs of the licensee's company having access to a telephone to talk with passengers or place phone calls in the event of an emergency.

Domicile means the place where the corporate establishment is maintained; its principal place of business.

Licensee means a person licensed by the city business license office to engage in the vehicle for hire business.

Limousine means any motor vehicle that meets the manufacturer's specifications for luxury limousine with a designed seating capacity for no more than ten passengers with a minimum of five seats located behind the operator of the vehicle, and which does not have a door at the rear of the vehicle designed to allow passenger entry or exit; further, no vehicle shall be permitted to be operated both as a taxicab and as a limousine. Limousines and limousine carriers shall be fully regulated by the state under the public service commission.

Motor vehicle safety standards means standards promulgated by the police department for approval by the mayor and council that all vehicles for hire regulated under this article must meet.

Operator's permit means the written authority granted by the police department to persons who qualify to operate vehicles for hire. Sometimes referred to as driver's permit.

Permittee means a person granted a permit to operate vehicles for hire in the incorporated areas of the city.

Sedan means any luxury or nonluxury sedan or town car type vehicle which has a seating capacity of not more than five passengers and the driver and which does not contain a taximeter designed to measure electronically or mechanically the distance traveled or time.

Sedan carrier means any person operating a service regularly rendered to the public by furnishing transportation as a motor common carrier for hire, not over fixed routes, by means of sedans driven by chauffeurs on the basis of telephone contract, written contract or other prearrangement.

Taxicab means a motor vehicle used as a public conveyance which does not meet the requirements of a limousine, is not a van, minibus or sedan, has a taximeter and is subject to the rules and regulations of this article.

Valid complaint means a complaint against an operator or business to the business license office where the complainant provides his name, address and substance of complaint, and expresses a willingness to attend any hearing regarding his complaint.

Van means any motor vehicle, other than a limousine, extended limousine, minibus or a sedan, with a designed seating capacity for no more than 15 passengers, including the driver.

Vehicle for hire means any motor vehicle designed or used for the purpose of transporting passengers for consideration or charges which are determined by agreement, contract, mileage or by the length of time the vehicle is used. Such term does not include vehicles regulated by the state public service commission. For the purposes of this article, vehicles for hire shall mean taxicabs and sedans.

Vehicle for hire or taxicab stand means any area where vehicles for hire or taxicabs park, stop, wait or stand for the purpose of accepting or soliciting any consideration, charge or fee in exchange for transportation.

Vehicle permit sticker means a sticker issued to a licensee upon proof of insurance and verification of compliance with city vehicle mechanical safety standards, to be placed on each vehicle for hire operated under this article and renewed annually.

(Ord. No. 2003-44, § 1, 9-15-03)

Sec. 22-351. - Persons deemed engaged in business of vehicles for hire.

Any person who within the city stops, parks, or waits in a vehicle for hire at a vehicle for hire stand or engages in picking up passengers and accepting or soliciting any consideration, charge or fee which is determined by an agreement, by mileage, by the length of time the vehicle is used or by contract for the use of any motor vehicle or other vehicle designed or used for the purpose of transportation is deemed to be engaged in the business of vehicles for hire.

(Ord. No. 2003-44, § 1, 9-15-03)

Sec. 22-352. - Sedan carriers and chauffeurs exempt from certain provisions.

- (a) The following provisions of this article shall not apply to sedan carriers:
- (1) Subsection 22-381(c)(4), regarding a copy of the rate schedule and operation hours.
 - (2) Subsection 22-381(c)(8), regarding dispatcher's address and operating hours.
 - (3) Subsection 22-383(1)a, regarding submitting a company logo and/or identification color scheme.
 - (4) Subsections 22-355(a), (b) and (c), regarding vehicle markings and rates.
 - (5) Subsection 22-356(c), regarding the prominent display of the telephone number of the business license office.
 - (6) Subsection 22-363(a), regarding the first sentence pertaining to notification of a dispatcher concerning personal property left behind.
 - (7) Subsection 22-364(a), second sentence, regarding display of the business license office telephone number.
- (b) The following provisions shall not apply to a chauffeur if such chauffeur can show that he has provided substantially the same information to the public service commission within the last 12 months:
- (1) Subsection 22-381(c), regarding submitting to a police clearance consisting of a background investigation and/or fingerprinting.
 - (2) Subsection 22-391(c), regarding submitting to a police clearance consisting of a background investigation and/or fingerprinting.
- (c) All other provisions of this article shall remain in full force and effect with regard to sedan carriers and chauffeurs.

(Ord. No. 2003-44, § 1, 9-15-03)

Sec. 22-353. - Previous denial or revocation of business license or operator's permit.

All persons who have had their business license or operator's permit revoked must reapply for a license or permit. No license or operator's permit shall be issued to an applicant if within 12 months immediately preceding the filing of the application the applicant for a license, operator's permit or renewal has had an application denied or a license or operator's permit revoked.

(Ord. No. 2003-44, § 1, 9-15-03)

Sec. 22-354. - Vehicle safety standards; verification.

(a) Each person operating a taxicab service or as a sedan carrier shall maintain each vehicle thus operated in a good, safe and serviceable mechanical condition.

(b) The police department shall recommend minimum motor vehicle safety standards for approval by the mayor and council. These standards will be filed with the clerk of the city, the business license office and the police department. All persons or entities operating, owning or leasing vehicles for hire shall be presumed to have knowledge of such standards. All vehicles for hire operating on the roads and streets of the city will be required to maintain their motor vehicles in compliance with such standards. A verification statement that the motor vehicles to be used in the business meet or exceed the requirements and standards approved by the mayor and council shall be required before vehicle permit stickers may be issued. Such verification must be executed by the sole proprietor, named partner or president or CEO of a corporation.

(c) Vehicles shall be subject to random inspections at any time by the police department and business license office. A vehicle found to be substandard shall be removed from service immediately and will remain removed from service until adequate proof is provided to the chief of police or his designee or the supervisor of the business license office that the vehicle is compliant with the standards approved by the city. Proof that a vehicle has been brought into compliance with the standards shall not affect the ability to assess any and all civil or criminal penalties or actions against the business or driver for violation of this Code.

(Ord. No. 2003-44, § 1, 9-15-03)

Sec. 22-355. - Vehicle markings; rates.

(a) Each taxicab shall plainly and prominently advertise the name and telephone number of the person who holds the business license to operate the vehicle. Such advertisement shall be permanently affixed to both sides of the vehicle in a manner that prohibits the transfer of the advertisement from one vehicle to another.

(b) A schedule of rates and hours of operation shall be marked on the side of the taxicab so as to be plainly visible to persons seeking to engage such vehicle for hire and shall be filed with the business license office by the licensee.

(c) Each taxicab shall have a taxi rooflight mounted on the roof of the vehicle. Such rooflight shall have a lighting system functional for nighttime operation.

(Ord. No. 2003-44, § 1, 9-15-03)

Sec. 22-356. - Interior requirements of vehicles for hire.

(a) The interior of each vehicle for hire shall be maintained in a clean condition, free of foreign matter and offensive odors. There shall be no litter in the vehicle or trunk and the seats shall be kept clean and without holes or large wear spots.

(b) All vehicles for hire shall present a clean environment for passengers.

(c) The telephone number of the business license office shall be prominently displayed within the taxicab, designating such number as the number to call when filing complaints.

(d) Permittees and licensees shall be responsible for compliance with this section.

(Ord. No. 2003-44, § 1, 9-15-03)

Sec. 22-357. - Parking of taxicabs.

The driver of a taxicab shall not park upon any street in any business district at any place other than at a taxicab stand, except that this section shall not prevent the driver of such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading and unloading passengers, and from making emergency repairs.

(Ord. No. 2003-44, § 1, 9-15-03)

Sec. 22-358. - Daily dispatch log sheets.

In order to maintain a license to operate a vehicle for hire service, a licensee must maintain daily dispatch log sheets, which shall be kept on file at the licensed business premises for a minimum of one year. Dispatch log sheets shall indicate all passengers carried, the time, place of entry and destination of each passenger, the amount charged and an itemization of any personal property left in the vehicle for hire.

(Ord. No. 2003-44, § 1, 9-15-03)

Sec. 22-359. - Cruising.

Operators of taxicabs are prohibited from cruising. Cruising is defined as moving about the streets of the city or any private property for the purpose of picking up and transporting passengers who have not previously requested such service by telephone or by personal command. Licensees under this article are responsible for ensuring that no driver participates in cruising.

(Ord. No. 2003-44, § 1, 9-15-03)

Sec. 22-360. - Call jumping.

Licensees under this article shall not participate in nor allow their drivers to practice call jumping or the act of intercepting a passenger who has requested service from another company.

(Ord. No. 2003-44, § 1, 9-15-03)

Sec. 22-361. - Appearance and hygiene of drivers.

Drivers of vehicles for hire must practice good personal hygiene and wear proper dress while operating a vehicle for hire. Proper dress shall mean the wearing of shoes, ankle-length pants, a shirt or blouse with sleeves and collar. Hats must be of the baseball style or chauffeur's cap. Clothing must be clean and not visibly soiled.

Sec. 22-362. - Business audits.

Each person licensed to do business under the provisions of this article, including limousine carriers, shall be subject to audit by the city. The city shall conduct such audit at reasonable times and with prior notice to the licensee.

Sec. 22-363. - Drivers' duties and responsibilities.

(a) Drivers of taxicabs shall notify their dispatcher of any personal property left in the vehicle for hire and such property shall be noted on the daily dispatch log sheets. Within 24 hours of discovery of any personal property left by a passenger, a driver shall forward such property to the police department or to its company's headquarters. Licensees shall maintain an accurate log of all private property held by them and the names of all persons claiming and receiving such property for a minimum of one year.

(b) A driver shall take the most direct route to a passenger's destination unless otherwise authorized or directed by the passenger.

(c) It shall be unlawful for any driver of a vehicle for hire who is not permitted and for any person who is not licensed to solicit or engage passengers within the city.

(d) No driver shall refuse to accept a passenger unless the passenger is obviously intoxicated or dangerous.

(e) No driver shall refuse to accept a passenger solely on the basis of race, color, national origin or religious belief.

(f) No driver shall be permitted to carry nonpaying passengers in a taxicab while transporting a paying passenger or passengers except for the purpose of driver training.

(g) It shall be unlawful for a driver to operate his vehicle in a manner which threatens a passenger or anyone else, or to threaten or otherwise abuse a passenger.

(h) It shall be unlawful for a driver to discharge any passenger before reaching the passenger's destination unless the driver has a reasonable belief that the passenger is dangerous, or unless street or area conditions do not permit a safe discharge to either the passenger or driver.

(i) No television sets may be operated on the front seat on which the driver sits inside of a moving vehicle.

(j) It shall be unlawful for drivers to drive, or for companies or other entities to allow to be driven, any vehicle for hire which does not have a valid inspection sticker, is not validly insured or, if a taxicab, has an unsealed or improperly working taxifare meter.

(k) Persons or other entities operating a taxicab service or as a sedan carrier shall be prohibited from allowing such vehicles to be operated by persons not holding valid operator permits.

(l) Drivers shall not be required to carry more than \$15.00 in change.

(m) Upon request of a passenger of a taxicab, drivers shall give receipts showing the amount of fare paid, name of company, license number, number of passengers, location of trip origination and location of trip termination. Upon request of a passenger of a sedan carrier, drivers of sedans shall give receipts showing the amount paid.

Sec. 22-364. - Complaints; records; hearings.

(a) The business license office shall be responsible for receiving complaints concerning the operation of vehicles for hire in the city. Pursuant to sections 22-355 and 22-356, the telephone number of the business license office shall be prominently displayed outside and inside the taxicab and shall designate such number as the number to call for filing complaints.

(b) The business license office shall maintain true and accurate records of the names and identification numbers of each driver permitted to drive vehicles for hire and each business licensed to operate a taxicab service or as a sedan carrier, together with other requirements of this article, and shall maintain a log of all complaints for each operator and licensee. If the business license office shall receive any article violation complaints concerning a particular operator, or three violation complaints concerning a licensee, the business license office shall notify the operator and licensee of the complaints if the business license supervisor sets a hearing on such complaints or suspends the operator's permit or business license. The operator or licensee will have the right to show cause that he is in compliance with the rules and regulations of this article.

(c) A hearing shall be set before the license review board no later than 30 days after the supervisor has notified the licensee or permittee of a hearing or has suspended a permit or license. The operator may use witnesses or other evidence to show his compliance with the ordinances of the city. If the license review board shall determine a violation on the part of the operator or licensee of the ordinances of the city, it may suspend or revoke the operator's permit or recommend to the mayor and council suspension or revocation of the business license.

(d) The business license office shall maintain a true and accurate log of each complaint showing the name of the complainant, the address of the complainant and the substance of the complaint. Such records shall be available to the operator and licensee, and shall be deemed a public record.

(Ord. No. 2003-44, § 1, 9-15-03)

Sec. 22-365. - Reciprocity with other counties and municipalities.

The mayor and council are authorized from time to time to adopt operator permit fees, vehicle permit sticker fees, and/or other regulatory fees for companies and drivers operating or otherwise doing business within the city. The city shall make no distinction between companies and drivers having locations within the city and those without locations within the city in determining the amount of and imposing and collecting such fees. (Ref. O.C.G.A. 48-13-8(b))

(Ord. No. 2003-44, § 1, 9-15-03)

Sec. 22-366. - Enforcement and penalty.

(a) The police department and the business license office shall enforce the regulations contained in this article.

(b) Violations of the provisions of this article shall be punished by the payment of fines up to \$1,000.00 or imprisonment up to six months, or both. Each separate occurrence shall be deemed a separate offense.

(c) The violation of the provisions of this article by any person, corporation, partnership or other entity, whether a licensee or permittee, may be enjoined by instituting appropriate proceedings for injunctions in the courts of competent jurisdiction in this state. Such actions may be maintained notwithstanding that other adequate remedies at law exist. Such actions may be instituted in the name of the governing authority of the city.

(d) Violations of any provision of this article by any licensee shall be due cause for revocation of any Cobb City business license, after notice and hearing before the mayor and council of the city of Kennesaw.

(e) Violations of any provision of this article by any permittee shall be due cause for revocation of any permit after notice and hearing as provided in this article.

(f) The remedies set forth in subsections (a) through (e) of this section are cumulative to each other.

(Ord. No. 2003-44, § 1, 9-15-03)

Secs. 22-367—22-380. - Reserved.